

REMARKS

In response to the Office Action mailed on May 14, 2009, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 28, 31, and 51 have been amended, leaving Claims 28-51 for consideration upon entry of the present amendment. No new matter has been added by the amendment.

Support for Claim Amendments

The amendment to independent Claims 28, 31, and 51 are fully supported in Applicant's specification. See for example, paragraphs [0039], [0045], [0054], and Figure 1 in the specification as originally filed.

Rejections Under 35 U.S.C. §112

With regard to Claim 28, the Examiner alleges that it is unclear how the programmable telephone table and the subscription list are connected. Paragraphs [0047]-[0048] in Applicant's specification provide examples of the interconnection of the two features, however, the term "connected" has been replaced in Claim 28 with the term "linked" and Applicant submits that the rejection is now moot.

Rejections Under 35 U.S.C. §101

Claim 51 stands rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant has amended Claim 51 to recite *inter alia* "a storage medium readable by a processing circuit and storing instructions for execution by the processing circuit, the instructions implementing a method, the method comprising." The claim, as amended, recites a storage medium, which stores instructions that implement the selective call forwarding services. The storage medium is a physical piece of hardware and is therefore not software per se. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection.

Rejections Under 35 U.S.C. §103

Claims 28, 31, 33-36, 38-48, and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,160,877 to Tatchell et al., (hereinafter “Tatchell”), in view of U.S. Patent No. 5,276,731 to Arbel et al., (hereinafter “Arbel”), and in further view of U.S. Patent No. 5,946,386 to Rogers et al., (hereinafter “Rogers”). Applicant traverses this rejection because Tatchell in view of Arbel in further view of Rogers does not teach or suggest all of the elements of Claim 28, 31, 33-36, 38-48, and 51.

With regard to independent Claim 28, the Examiner states that Tatchell teaches all of “the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table,” citing column 8 lines 28-56 and column 9 lines 38-43 in support. Tatchell is directed to a “Personal Agent” interface used to “enhance and integrate” telephone service. Column 8 lines 28-56 of Tatchell describe a process initiated by the subscriber as opposed to “a call placed by a caller ... to a subscriber” are recited in Claim 28 (“when a ... subscriber goes off hook at telephone station set 17a, a verification of the subscriber profile is made,” Tatchell, col. 8 lines 29-34).

Column 9 lines 38-43 of Tatchell describe a process by which a switching center database verifies the phone number of the called party. This is not the same as “determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list *and* the programmable telephone number table” as recited in Claim 28. Tatchell verifies only that the called party’s phone is in the “Personal Agent subscriber’s selected telephone network addresses.” (Tatchell Col. 9 lines 44-47). This verification process does not determine, for instance, that the called number has “a corresponding subscriber telephone number entry in the subscription list.” In fact, Tatchell is devoid of references to subscription lists. In addition, Tatchell is devoid of references to “the programmable telephone number table.”

Furthermore, with regard to Claim 28, Tatchell does not teach a separate “subscription list” and “programmable telephone number table.” Because the

programmable telephone list is editable by the subscriber, this additional separation provides for security. The addition of Arbel does not cure this deficiency in Tatchell. Although Arbel allows a user of the system to configure various features, as described in Col. 10 lines 41 – col. 11 line 23, there is nothing in Arbel that teaches or suggests a subscription list that is separate from a programmable telephone number table. The addition of Rogers does not cure these deficiencies in Tatchell and Arbel.

In addition, with regard to Claim 28, there is nothing in the combination of Tatchell, Arbel and Rogers that teaches or suggests “wherein, for each preferred caller the programmable telephone number table has a first preferred caller telephone number and a second preferred caller telephone number” or “determining that the caller is a preferred caller, the determining comprising verifying that a caller telephone number associated with the call matches a first preferred caller telephone number associated with the preferred caller, *and verifying that the caller telephone number matches a second preferred caller telephone number associated with the preferred caller in response to the caller telephone number not matching the first preferred caller telephone number associated with the preferred caller.*”

Although Arbel describes a table containing a caller name, caller number and a number to transfer the caller to, there is nothing in Arbel that teaches or suggests “for each preferred caller the programmable telephone number table has a first preferred telephone caller number and a second preferred caller telephone number” as recited in Claim 28. Arbel is also devoid of teaching “determining that the caller is a preferred caller, the determining comprising verifying that a caller telephone number associated with the call matches a first preferred caller telephone number associated with the preferred caller, and verifying that the caller telephone number matches a second preferred caller telephone number associated with the preferred caller in response to the caller telephone number not matching the first preferred caller telephone number associated with the preferred caller” as recited in Claim 28. The addition of Tatchell and Rogers does not correct these deficiencies in Arbel. Therefore, for at least these reasons, Claim 28 is patentable over the combination of Tatchell, Arbel, and Rogers.

With regard to independent Claim 31, the Examiner states that Tatchell in view of Arbel and further in view of Rogers teaches all of Claim 31. Applicant respectfully

disagrees for at least the same reasons as stated above with regard to Claim 28. Therefore for at least these reasons, Claim 31 is patentable over the combination of Tatchell, Arbel, and Rogers.

With regard to independent Claim 51, the Examiner states that Tatchell in view of Arbel and further in view of Rogers teaches all of Claim 51. Applicant respectfully disagrees for at least the same reasons as stated above with regard to Claim 28. Therefore for at least these reasons, Claim 51 is patentable over the combination of Tatchell, Arbel, and Rogers.

Claims 33-36 and 38-48 depend variously from independent Claims 28 and 31 and are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

Claims 29-30, 37, and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell, Arbel, Rogers and in further view of U.S. Patent No. 6,718,026 to Pershan (hereinafter “Pershan”). Claims 29-30, 37, and 50 depend variously from independent Claims 28 and 31 and are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell, Arbel, Rogers and in further view of U.S. Patent No. 5,963,864 to O’Neil et al. (hereinafter “O’Neil”). Claim 32 depends from Claim 31 and is believed to be allowable for at least the reason that it depends from what should be an allowable base claim.

Claim 49 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell, Arbel, Rogers and in further view of U.S. Patent Publication No. 2002/0080751 to Hartmaier et al. (hereinafter “Hartmaier”). Claim 49 depends from Claim 28 and is believed to be allowable for at least the reason that it depends from what should be an allowable base claim.

Conclusion

Applicant is not conceding in this application that the original claims are not patentable over the art cited by the Examiner. Rather, the present claim amendments are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicant. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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